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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,245

11/21/2003

Robert Mastromatto

23-0454

2202

40158 7590 02/22/2007
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EXAMINER

CHIN, PAUL T

ART UNIT

PAPER NUMBER

3652

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/719,245

Applicant(s)

MASTROMATTO ET AL.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15, 17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) 13-15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed November 8, 2006, and the arguments presented therewith have been fully considered and they are persuasive. Therefore, the rejection has been withdrawn. However, the arguments are moot in view of a new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

Election/Restrictions

2. Applicant's election without traverse of claims 1-9, 11, and 12, in the reply filed on March 9, 2006, is acknowledged. Note that applicant canceled claims 10, 16, and 18, and added new claims 19-23 in the provided amendment.

3. Claims 13-15 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 9, 2006.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-9, 11, 12, and 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the phrase "said sliding members of said plurality of sliding members" in lines 5-6 and the recitation is vague and indefinite. It is not clearly understood as to how "said sliding members of said plurality of sliding members" are being spaced from each other to form a grid of sliding members. Note that claim 2 recites a first set of sliding member and a second sliding members and it is unclear as to whether "the plurality of

sliding members" refer to "a set of sliding members" or refer to both of "a first set of sliding members and a second sliding members". Moreover, claims 21, 22, and 23 positively recite that "each of the sliding members has a perimeter formed approximately four segments and each member has four corner junctures". However, figure 1 and 3 clearly show that not all of the sliding members have "a perimeter formed four arcuate segments" and "each member has four corner junctures". Exhibit A shows two sliding members (with yellow highlight) which do not have "a perimeter formed four arcuate segments" and "each member has four corner junctures", which is contrary to the recitation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 and 19-22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Rickenbacher (4,170,367).

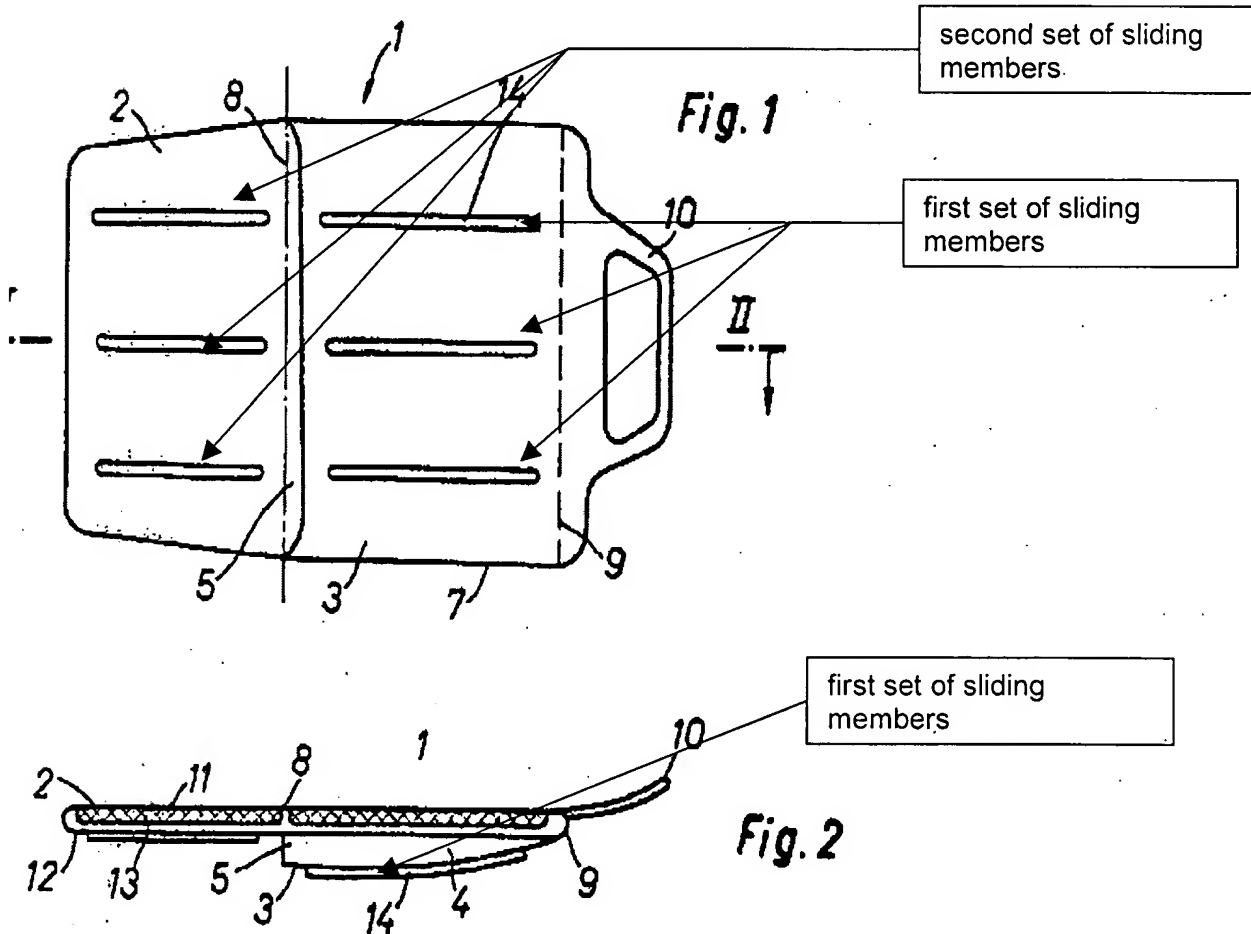
Rickenbacher (4,170,367) discloses a sliding device comprising:

a sheet of material, made from a plastic material (col. 2, lines 44-48) having a lower face; a plurality of sliding members (14, 14) (Figs. 1 and 2) coupled to and protruding from (see Fig. 2) the lower face of the sheet of material being spaced each other to form

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a grid of sliding members and each of the sliding member (14,14) has a substantially convex outer surface (see Fig. 2) for facilitating sliding on the support surface.

Re claims 2,3, and 20, Rickenbacher (4,170,367) (see Exhibit B) shows a first set of sliding member (14) and a second set of sliding member positioned between the front edge, a rear edge, and side ends wherein the first set is substantially larger (in length) than the second set of sliding members.

Exhibit B

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Re claim 19, the sheet of material (1) of Rickenbacher (4,170,367) is being made from a plastic material (Col. 2, lines 44-48) which would be substantially bendable. Also note that figures 1 and 3 clearly show that the sheet is bendable at fold lines 8 and 9.

Re claims 21 and 22, Exhibit B (in figure 1), as best understood, shows that each sliding member has a perimeter having four arcuate segments and four junctures.

8. Claims 1-4 and 20-22, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Eckert (D475,947).

Eckert (D475,947) shows a sliding device comprising a sheet of material, having a lower face; a plurality of sliding members (see Fig. 3, bottom view) coupled to and protruding from (see Figs. 4 and 5) the lower face of the sheet of material being spaced each other to form a grid of sliding members and each of the sliding member has a substantially convex outer surface (see Figs. 4 and 5) for facilitating sliding on the support surface. Re claims 2,3, and 20, Rickenbacher (4,170,367) (see Exhibit C1 and C2, attached) shows a first set of sliding member (highlighted with orange color) and a second set of sliding member positioned (highlighted with yellow color) between the front edge, a rear edge, and side ends wherein the first set is substantially larger than the second set of sliding members.

Re claim 4, Exhibit C1 shows that the second set of sliding members surround the first set of sliding members.

Re claims 21 and 22, Exhibit C1 and C2, as best understood, show that each sliding member has a perimeter having four arcuate segments and four junctures.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Rickenbacher (4,170,367) in view of Eckert (D475,947).

Rickenbacher (4,170,367), as presented in section 7 above, shows a first set of sliding member located in the center of the sheet and the second set of sliding members located at the rear perimeter of the sheet. Rickenbacher (4,170,367) does not show another second set of sliding members on the sides of the first set of sliding member. However, Eckert (D475,947), as present in section 8 above, teaches a plurality of protruding sliding members located around the perimeter as shown in figure 3. Accordingly, It would have been an obvious to those skilled in the art to provide protruding sliding members to on the perimeter (side and front) of the first set of sliding members (14) of Rickenbacher (4,170,367) as taught by Eckert (D475,947) to provide more sliding surface area.

11. Claims 5 and 6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickenbacher (4,170,367) in view of Alley et al. (4,335,891) (see PTO-892).

Rickenbacher (4,170,367), as presented in section 7 above, does not show a plurality of straps coupled to a perimeter of the sheet. However, Alley et al. (4,335,891) teaches a plurality of straps (14,14) coupled to a perimeter of the sheet. Accordingly, It would have

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been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of straps on the perimeter of the sheet (1) of Rickenbacher (4,170,367) as taught by Alley et al. (4,335,891) to provide as a handle for a user and also to provide as a means to wrap around a carried items or objects.

12. Claims 7-9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickenbacher (4,170,367) in view of Ziff (Des. 216,530).

Rickenbacher (4,170,367), as presented in section 7 above, shows a cutout portion provided as a handle (10), but does not show a plurality of cutout handles positioned around a perimeter of the sheet. However, Ziff (Des. 216,530) shows a plurality of cutout handles positioned on a perimeter of the sheet. Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of cutout handles on the perimeter of the sheet (1) of Rickenbacher (4,170,367) as taught by Ziff (Des. 216,530) to provide a firm grip to the hands of a user.

13. Claims 11 and 12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickenbacher (4,170,367) in view of Field (3,734,523) (see PTO-892).

Rickenbacher (4,170,367), as presented in section 7 above, does not show a *teflon coating* being applied on the sliding member (14) for reducing friction between the sliding members and the support member. However, Field (3,734,523) teaches a *Teflon coating* being applied on the sliding member (44,63) for reducing friction between the sliding members and the support member (Col 4, lines 47-52). Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a *Teflon coating* on the sliding members (14,14) of Rickenbacher

(4,170,367) as taught by Field (3,734,523) in order to reduce friction between the contacted surfaces of the sliding members and the support member.

14. Claim 23, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Rickenbacher (4,170,367) in view of Eckert (D475,947), and further in view of Alley et al. (4,335,891) (see PTO-892), and further in view of Ziff (Des. 216,530), and further in view of Field (3,734,523) (see PTO-892).

Rickenbacher (4,170,367), as presented in section 7 above, shows a first set of sliding member located in the center of the sheet and the second set of sliding members located at the rear perimeter of the sheet. Rickenbacher (4,170,367) does not show another second set of sliding members on the sides of the first set of sliding member. However, Eckert (D475,947), as present in sections 8 and 10 above, teaches a plurality of protruding sliding members located around the perimeter as shown in figure 3.

Accordingly, It would have been an obvious to those skilled in the art to provide protruding sliding members to on the perimeter (side and front) of the first set of sliding members (14) of Rickenbacher (4,170,367) as taught by Eckert (D475,947) to provide more sliding surface area.

The modified Rickenbacher (4,170,367), as presented above, also does not show a plurality of straps coupled to a perimeter of the sheet. However, Alley et al. (4,335,891), as presented in section 11 above, teaches a plurality of straps (14,14) coupled to a perimeter of the sheet. Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of straps on the perimeter of the sheet (1) of Rickenbacher (4,170,367) as taught by Alley et al.

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(4,335,891) to provide as a handle for a user and also to provide as a means to wrap around a carried items or objects.

The modified Rickenbacher (4,170,367), as presented above, still does not show a plurality of cutout handles positioned around a perimeter of the sheet. However, Ziff (Des. 216,530), as presented in section 12 above, shows a plurality of cutout handles positioned on a perimeter of the sheet. Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of cutout handles on the perimeter of the sheet (1) of Rickenbacher (4,170,367) as taught by Ziff (Des. 216,530) to provide a firm grip to the hands of a user.

The modified Rickenbacher (4,170,367), as presented above, does not show a *teflon coating* being applied on the sliding member (14) for reducing friction between the sliding members and the support member. However, Field (3,734,523) teaches a *Teflon coating* being applied on the sliding member (44,63) for reducing friction between the sliding members and the support member (Col 4, lines 47-52). Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a *Teflon coating* on the sliding members (14,14) of Rickenbacher (4,170,367) as taught by Field (3,734,523) in order to reduce friction between the contacted surfaces of the sliding members and the support member.

15. Claims 5 and 6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (D475,947) in view of Alley et al. (4,335,891) (see PTO-892).

Eckert (D475,947), as presented in section 8 above, does not show a plurality of straps coupled to a perimeter of the sheet. However, Alley et al. (4,335,891) teaches a plurality of straps (14,14) coupled to a perimeter of the sheet. Accordingly, It would have been

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an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of straps on the perimeter of the sheet of Eckert (D475,947) as taught by Alley et al. (4,335,891) to provide as a handle for a user and also to provide as a means to wrap around a carried items or objects.

16. Claims 7-9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (D475,947) in view of Ziff (Des. 216,530).

Eckert (D475,947), as presented in section 8 above, does not clearly show a plurality of cutout handles positioned around a perimeter of the sheet. However, Ziff (Des. 216,530) shows a plurality of cutout handles positioned on a perimeter of the sheet. Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of cutout handles on the perimeter of the sheet of Eckert (D475,947) as taught by Ziff (Des. 216,530) to provide a firm grip to the hands of a user.

17. Claims 11 and 12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (D475,947) in view of Field (3,734,523) (see PTO-892).

Eckert (D475,947), as presented in section 8 above, does not show a *teflon coating* being applied on the sliding member (14) for reducing friction between the sliding members and the support member. However, Field (3,734,523) teaches a *Teflon coating* being applied on the sliding member (44,63) for reducing friction between the sliding members and the support member (Col 4, lines 47-52). Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a *Teflon coating* on the sliding members of Eckert (D475,947) as taught

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by Field (3,734,523) in order to reduce friction between the contacted surfaces of the sliding members and the support member.

18. Claim 23, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (D475,947) in view of Alley et al. (4,335,891) (see PTO-892), and further in view of Ziff (Des. 216,530), and further in view of Field (3,734,523) (see PTO-892).

Eckert (D475,947), as presented in section 8 above, does not show a plurality of straps coupled to a perimeter of the sheet. However, Alley et al. (4,335,891), presented in section 14 above, teaches a plurality of straps (14,14) coupled to a perimeter of the sheet. Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of straps on the perimeter of the sheet of Eckert (D475,947) as taught by Alley et al. (4,335,891) to provide as a handle for a user and also to provide as a means to wrap around a carried items or objects. The modified Eckert (D475,947), as presented above, also does not clearly show a plurality of cutout handles positioned around a perimeter of the sheet. However, Ziff (Des. 216,530) shows a plurality of cutout handles positioned on a perimeter of the sheet. Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a plurality of cutout handles on the perimeter of the sheet of Eckert (D475,947) as taught by Ziff (Des. 216,530) to provide a firm grip to the hands of a user.

The modified Eckert (D475,947), as presented above, still does not show a *teflon coating* being applied on the sliding member (14) for reducing friction between the sliding members and the support member. However, Field (3,734,523) teaches a *Teflon coating* being applied on the sliding member (44,63) for reducing friction between the

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sliding members and the support member (Col 4, lines 47-52). Accordingly, It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a *Teflon coating* on the sliding members of Eckert (D475,947) as taught by Field (3,734,523) in order to reduce friction between the contacted surfaces of the sliding members and the support member.

Response to Arguments

19. Applicant's amendment filed November 8, 2006, and the arguments presented therewith have been fully considered and they are persuasive. Therefore, the rejection has been withdrawn. However, the arguments are moot in view of a new ground(s) of rejection.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Applicant's amendment (the addition of new structural limitations in claim 1 in combination with other structural limitations and new claims 19-23) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Exhibit A

Fig. 1

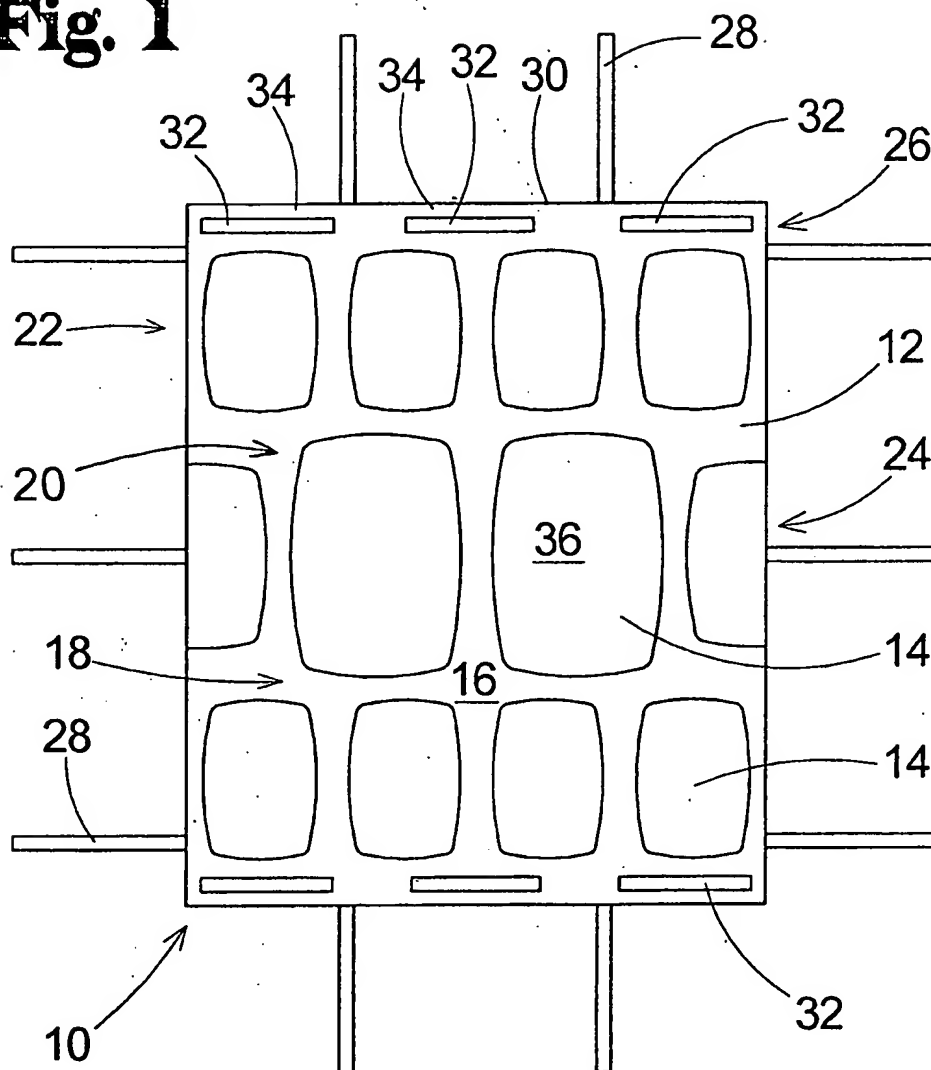


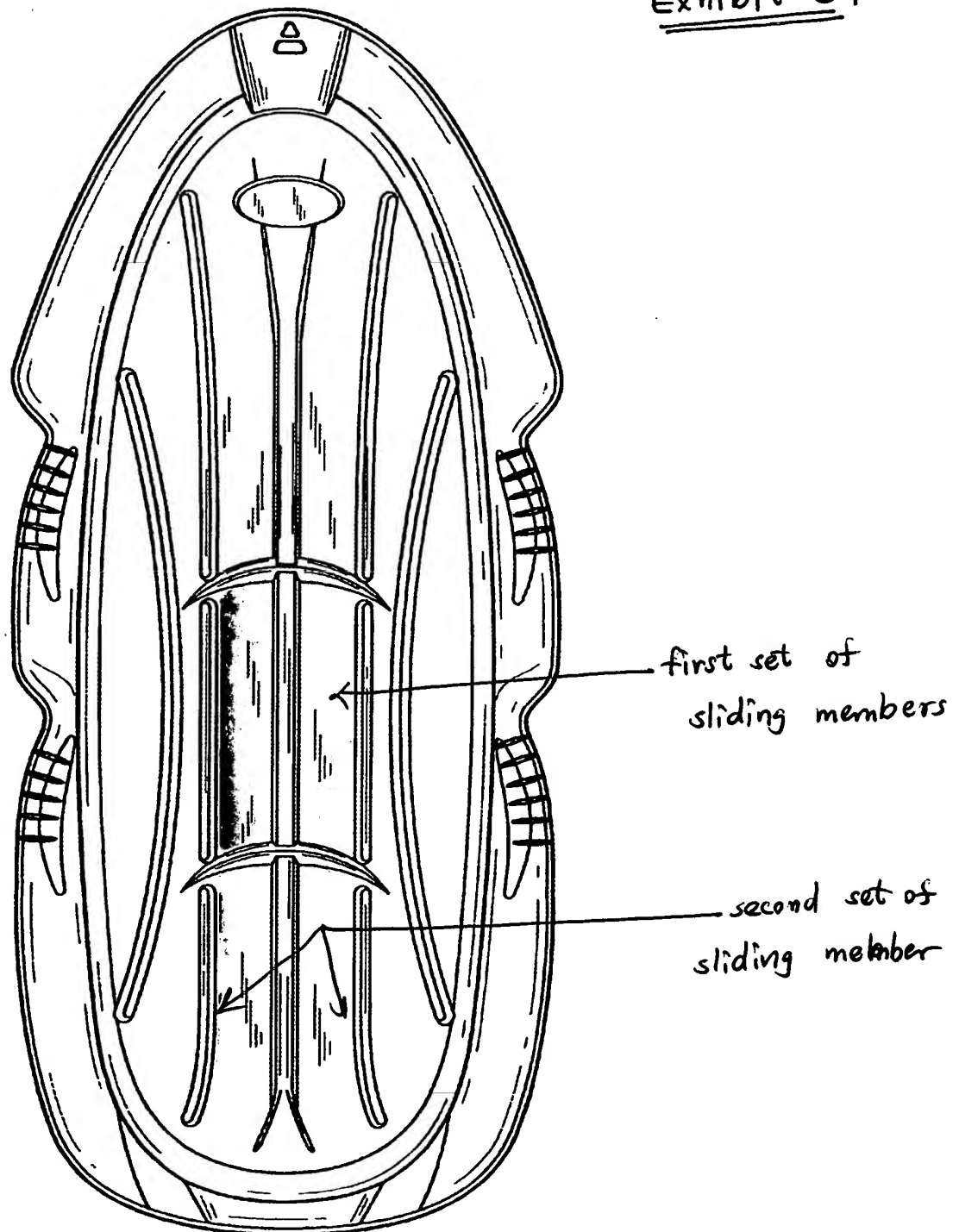
Exhibit C1

FIG. 3

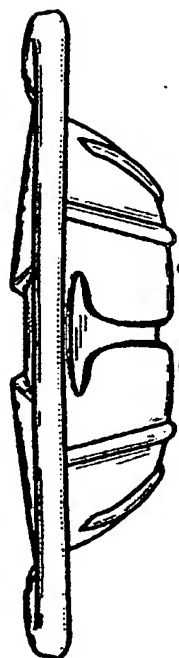


FIG. 4
first set of
sliding member



FIG. 5
second set of
sliding member



FIG. 6

Exhibit c2